

AMENDED IN SENATE JANUARY 4, 2006

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 812

Introduced by Senator Soto

February 22, 2005

~~An act to amend Sections 60010 and 60242 of the Education Code, relating to instructional materials, and making an appropriation therefor. An act to add Section 33126.4 to the Education Code, relating to schools.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 812, as amended, Soto. ~~Instructional materials.~~ *Schools: education technology: access and instructional integration.*

Existing law, the Classroom Instructional Improvement and Accountability Act, requires each school district that maintains an elementary or secondary school to develop and implement a school accountability report card, as prescribed.

Existing law establishes the California Technology Assistance Project, which is administered by the State Department of Education, to provide a regionalized network of technical assistance to schools and school districts on the implementation of education technology as set forth in policies of the State Board of Education.

This bill would require the State Department of Education, on or before April 1, 2007, to establish common data elements to determine the extent of educational technology access and instructional integration in the public schools. The bill would further require the department, on or before July 1, 2007, to consider and recommend appropriate methods to collect, analyze, and publish the extent of educational technology access and instructional integration, and, on or before October 1, 2007, to the extent funds are made available in

the annual Budget Act, to collect data and adapt existing data sources to facilitate reporting of information related to the educational technology access and instructional integration into curriculum and instruction. The bill would require the department, using the data collected, to, on or before January 1, 2008, and on or before January 1 of each year thereafter, post the data on its Internet Web site.

~~Existing law declares the intent of the Legislature to provide for the adoption and selection of instructional materials for use in the elementary and secondary schools. For those purposes existing law defines various terms, including technology-based materials. Existing law defines technology-based materials as basic or supplemental instructional materials that are designed for use by pupils and teachers as learning resources and that require the availability of electronic equipment in order to be used as a learning resource, as specified. Existing law excepts from that definition the equipment required to make use of those materials.~~

~~Existing law establishes the State Instructional Materials Fund and continuously appropriates the money in the fund to the State Department of Education. Existing law authorizes a school district to use allowances received from the fund to purchase instructional materials adopted by the state board, to purchase instructional materials from any source, to purchase tests, to bind basic textbooks, to fund in-service training related to instructional materials, and to purchase classroom library materials for kindergarten and grades 1 to 4, inclusive.~~

~~This bill would, in addition, authorize a school district to use allowances received from the fund to purchase or lease technology-based materials, as specified. By expanding the purposes for which moneys from the fund may be used, the bill would make an appropriation.~~

~~This bill would also make technical, nonsubstantive changes to these provisions:~~

Vote: majority. Appropriation: ~~yes~~*no*. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature hereby finds and declares all of*
2 *the following:*

1 (a) Significant inequities exist in the access and effective use
2 of technology to support teaching and learning, and for
3 administrative applications.

4 (b) Studies have documented the following over the past five
5 years:

6 (1) Some schools are using technology that is outdated while
7 others are using state-of-the-art multimedia computers and other
8 devices.

9 (2) While all county offices of education are now connected to
10 the high-speed Internet, many schools are limited in their access
11 to the high-speed Internet.

12 (3) There is wide variation in the extent to which educators
13 have access to sufficient training for the use of technology to
14 increase learning opportunities.

15 (4) Levels of integration of technology into curriculum vary
16 from school to school.

17 (5) There has not been a consistent measure or common set of
18 data elements for accurately determining technology access and
19 use.

20 (6) Current law relating to the school accountability report
21 card with respect to quality and currency of textbooks and
22 materials addresses textbooks and other instructional materials
23 eligible for state adoption but does not address the access to, and
24 instructional use of, technology.

25 (7) Technology has emerged to become a necessary
26 instructional resource in California schools and must be given
27 the same level of emphasis as textbooks and other materials
28 when measuring access and use of instructional resources.

29 (8) Education stakeholders, in general, need consistent and
30 reliable information about educational technology access and
31 instructional integration to more objectively inform their
32 decisions.

33 SEC. 2. Section 33126.4 is added to the Education Code, to
34 read:

35 33126.4. (a) On or before April 1, 2007, the department shall
36 establish common data elements to determine the extent of
37 educational technology access and instructional integration in
38 the public schools. To the greatest extent possible, the data
39 elements shall use existing survey instruments.

1 (b) On or before July 1, 2007, the department shall consider
2 and recommend appropriate methods to collect, analyze, and
3 publish the extent of educational technology access and
4 instructional integration.

5 (c) On or before October 1, 2007, to the extent that funds are
6 made available in the annual Budget Act, the department shall
7 collect data and adapt existing data sources to facilitate
8 reporting of information related to the educational technology
9 access and instructional integration into curriculum and
10 instruction.

11 (d) The indicators for which common data elements and
12 recommended measures related to educational technology access
13 and instructional integration are to be based shall include, but
14 not be limited to, the following:

15 (1) Access to state-of-the-art computers and related hardware.

16 (2) Access to the Internet with sufficient bandwidth to stream
17 full motion video, conduct video teleconferencing, and deliver
18 interactive courses for pupils and teachers.

19 (3) Use of instructional technology for instructional planning,
20 integration, and analysis to support pupil achievement in the
21 state content standards.

22 (4) Professional development and support for teachers as
23 necessary for the integration of technology into curriculum.

24 (5) Technical support needed to access and maintain
25 state-of-the-art technology and Internet connectivity.

26 (6) Professional development and support for school
27 administrators, as necessary, to utilize technology to support
28 data management and the use of electronic learning assessment
29 resources.

30 (7) Use of the K-12 High Speed Network.

31 (e) The department shall involve the leadership of the existing
32 state-supported educational technology program and projects
33 and representatives of the California Technology Assistance
34 Project, computer-using educators, school administrators, and
35 relevant department divisions, at least including divisions of
36 assessment and technology, in the establishment of the common
37 data elements.

38 (f) Using the data collected as described in this section, the
39 department shall, on or before January 1, 2008, and on or before
40 January 1 of each year thereafter, post the data on its Internet

1 *web site. It is the intent of the Legislature that reporting be*
2 *detailed to the school level, but, at a minimum, on the district*
3 *level if the department determines that the report is not feasible*
4 *at the school level.*

5 ~~SECTION 1. Section 60010 of the Education Code is~~
6 ~~amended to read:~~

7 ~~60010. For the purpose of this part, the following terms have~~
8 ~~the following meanings unless the context in which they appear~~
9 ~~clearly requires otherwise:~~

10 ~~(a) “Basic instructional materials” means instructional~~
11 ~~materials that are designed for use by pupils as a principal~~
12 ~~learning resource and that meet in organization and content the~~
13 ~~basic requirements of the intended course.~~

14 ~~(b) “Commission” means the Curriculum Development and~~
15 ~~Supplemental Materials Commission.~~

16 ~~(c) “Curriculum framework” means an outline of the~~
17 ~~components of a given course of study designed to provide state~~
18 ~~direction to school districts in the provision of instructional~~
19 ~~programs.~~

20 ~~(d) “District board” means the board of education or~~
21 ~~governing board of any county, city and county, city, or other~~
22 ~~district that has the duty to provide for the education of the~~
23 ~~children in its county, city and county, city, or district.~~

24 ~~(e) “Elementary school” means a public school in which~~
25 ~~instruction is given in kindergarten and grades 1 to 8, inclusive,~~
26 ~~or in any one or more of those grades.~~

27 ~~(f) “Governing boards” means the state board and any one or~~
28 ~~more district boards.~~

29 ~~(g) “High school” means a public school other than an~~
30 ~~elementary school in which instruction is given in kindergarten~~
31 ~~and grades 1 to 12, inclusive, or in any one or more of those~~
32 ~~grades.~~

33 ~~(h) “Instructional materials” means all materials that are~~
34 ~~designed for use by pupils and their teachers as a learning~~
35 ~~resource and help pupils to acquire facts, skills, or opinions or to~~
36 ~~develop cognitive processes. Instructional materials may be~~
37 ~~printed or nonprinted, and may include textbooks,~~
38 ~~technology-based materials, other educational materials, and~~
39 ~~tests.~~

1 (i) ~~“Nonpublic school” means a school that satisfies the~~
2 ~~requirements of Section 48222, and is exempt from taxation~~
3 ~~under Section 214 of the Revenue and Taxation Code.~~

4 (j) ~~“School official” means a member of a governing board, a~~
5 ~~city, county, city and county, or district superintendent of~~
6 ~~schools, and a principal, teacher, or other employee under his or~~
7 ~~her charge.~~

8 (k) ~~“State board” means the State Board of Education.~~

9 (l) ~~“Supplementary instructional materials” means~~
10 ~~instructional materials designed to serve, but not be limited to,~~
11 ~~one or more of the following purposes, for a given subject, at a~~
12 ~~given grade level:~~

13 (1) ~~To provide more complete coverage of a subject or~~
14 ~~subjects included in a given course.~~

15 (2) ~~To provide for meeting the various learning ability levels~~
16 ~~of pupils in a given age group or grade level.~~

17 (3) ~~To provide for meeting the diverse educational needs of~~
18 ~~pupils with a language disability in a given age group or grade~~
19 ~~level.~~

20 (4) ~~To provide for meeting the diverse educational needs of~~
21 ~~pupils reflective of a condition of cultural pluralism.~~

22 (m) ~~“Technology-based materials” means those basic or~~
23 ~~supplemental instructional materials that are designed for use by~~
24 ~~pupils and teachers as learning resources and that require the~~
25 ~~availability of electronic equipment in order to be used as a~~
26 ~~learning resource. Technology-based materials include, but are~~
27 ~~not limited to, software programs, video disks, compactdisks,~~
28 ~~optical disks, video and audio tapes, lesson plans, and databases.~~
29 ~~Technology-based materials also include the equipment required~~
30 ~~to make use of those materials, including computers, servers, or~~
31 ~~networking equipment, so long as that equipment is used for the~~
32 ~~direct delivery of instructional materials adopted by the state~~
33 ~~board pursuant to Section 60200 for use in grade 7 or 8, or~~
34 ~~instructional materials adopted by the governing board of a~~
35 ~~school district pursuant to Section 60400 for use in grades 9 to~~
36 ~~12, inclusive.~~

37 (n) ~~“Test” means any device used to measure the knowledge~~
38 ~~or achievement of pupils.~~

39 SEC. 2. ~~Section 60242 of the Education Code is amended to~~
40 ~~read:~~

1 ~~60242. (a) The state board shall enumber the fund for the~~
2 ~~purpose of establishing an allowance for each school district,~~
3 ~~which may reflect increases or decreases in enrollment, that the~~
4 ~~district may use for the following purposes:~~

5 ~~(1) To purchase instructional materials adopted by the state~~
6 ~~board pursuant to Section 60200 for kindergarten and grades 1 to~~
7 ~~8, inclusive, or by the governing board pursuant to Section 60400~~
8 ~~for grades 9 to 12, inclusive. A school district may purchase with~~
9 ~~funds received pursuant to Chapter 3.25 (commencing with~~
10 ~~Section 60420) instructional materials for the visual and~~
11 ~~performing arts, foreign language, health, or any other curricular~~
12 ~~area if those materials are adopted by the state board pursuant to~~
13 ~~Section 60200 for kindergarten and grades 1 to 8, inclusive, or by~~
14 ~~the governing board pursuant to Section 60400 for grades 9 to~~
15 ~~12, inclusive, and if the school district certifies that it has~~
16 ~~provided each pupil with a standards-aligned textbook or basic~~
17 ~~instructional materials in reading/language arts, mathematics,~~
18 ~~history/social science, and science.~~

19 ~~(2) To purchase, at the district's discretion, instructional~~
20 ~~materials, including, but not limited to, supplementary~~
21 ~~instructional materials and technology-based materials, from any~~
22 ~~source.~~

23 ~~(3) To purchase tests.~~

24 ~~(4) To bind basic textbooks that are otherwise usable and are~~
25 ~~on the most recent list of basic instructional materials adopted by~~
26 ~~the state board and made available pursuant to Section 60200.~~

27 ~~(5) To fund in-service training related to instructional~~
28 ~~materials.~~

29 ~~(6) To purchase classroom library materials for kindergarten~~
30 ~~and grades 1 to 4, inclusive.~~

31 ~~(7) To purchase or lease computers, servers, or networking~~
32 ~~equipment, so long as that equipment is used for the direct~~
33 ~~delivery of instructional materials adopted by the state board~~
34 ~~pursuant to Section 60200 for use in grade 7 or 8, or instructional~~
35 ~~materials adopted by the governing board of a school district~~
36 ~~pursuant to Section 60400 for use in grades 9 to 12, inclusive.~~

37 ~~(b) The state board shall specify the percentage of a district's~~
38 ~~allowance that is authorized to be used for each of the purposes~~
39 ~~identified in subdivision (a).~~

1 ~~(e) Allowances established for school districts pursuant to this~~
2 ~~section shall be apportioned in September of each fiscal year.~~

3 ~~(d) (1) A school district that purchases classroom library~~
4 ~~materials, shall, as a condition of receiving funding pursuant to~~
5 ~~this article, develop a districtwide classroom library plan for~~
6 ~~kindergarten and grades 1 to 4, inclusive, and shall receive~~
7 ~~certification of the plan from the governing board of the school~~
8 ~~district. A school district shall include in the plan a means of~~
9 ~~preventing loss, damage, or destruction of the materials.~~

10 ~~(2) In developing the plan required by paragraph (1), a school~~
11 ~~district is encouraged to consult with school library media~~
12 ~~teachers and primary grade teachers and to consider selections~~
13 ~~included in the list of recommended books established pursuant~~
14 ~~to Section 19336. If a school library media teacher is not~~
15 ~~employed by the school district, the district is encouraged to~~
16 ~~consult with a school library media teacher employed by the~~
17 ~~local county office of education in developing the plan.~~

18 ~~(3) To the extent that a school district or county office of~~
19 ~~education already has a plan meeting the criteria specified in~~
20 ~~paragraphs (1) and (2), no new plan is required to establish~~
21 ~~eligibility.~~